

FACTSHEET

TITLE: **LETTER OF APPEAL** filed by William F. Austin on behalf of Red Star Auto Plaza, appealing Planning Commission Resolution No. PC-00711 denying **SPECIAL PERMIT NO. 1929**, requested by Red Star Auto Plaza for authority to park and display vehicles for sale in the front yard on property located at 702 West "O" Street.

STAFF RECOMMENDATION: **Denial**

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/19/01
Administrative Action: 09/19/01 and 10/03/01

RECOMMENDATION: **DENIAL** (5-2: Newman, Taylor, Steward, Carlson and Hunter voting 'yes'; Duvall and Schwinn voting 'no'; Krieser and Bills absent).

FINDINGS OF FACT:

1. The staff recommendation to **deny** this special permit is based upon the "Analysis" as set forth on p.9-10.
2. The minutes of the public hearing before the Planning Commission held on September 19, 2001, are found on p.12-16.
3. The applicant's testimony is found on p.12-13. The revised site plan submitted by the applicant at the public hearing is found on p.28. In support of this application, the applicant submitted a copy of the Lincoln Dodge business at 1235 West "O" Street (p.25-27) and petitions in support signed by 30 business and property owners on West "O" and West "P" Streets (p.33-64).
4. The staff response to the revised site plan is found on p.29, finding that the parking dimensions meet design standards.
5. The revised landscape plan submitted by the applicant on 10/02/01 and the staff response are found on p.030-032.
6. A listing of special permit applications filed pursuant to § 27.63.700 as prepared by the Planning Department is found on p.24.
7. Testimony in opposition is found on p.14-15, and the record consists of two letters in opposition, including the West "O" Street Business Association (p.65-66).
8. The information submitted by Peter Katt in opposition on behalf of Popeye's Chicken is found on p.67-69.
9. The applicant's response to the opposition is found on p.15.
10. On September 19, 2001, the Planning Commission closed public hearing and voted to defer action until 10/03/01.
11. On October 3, 2001, the Planning Commission agreed with the staff recommendation and voted 5-2 to deny Resolution No. PC-00711 (Newman, Taylor, Steward, Carlson and Hunter voting 'yes'; Duvall and Schwinn voting 'no'; Krieser and Bills absent). See p.4-7 and Minutes, p.16.
12. On October 4, 2001, a Notice of Appeal was filed with the City Clerk by William F. Austin on behalf of Red Star Auto Plaza, L.L.C. (p.2-3).

FACTSHEET PREPARED BY: Jean L. Walker
REVIEWED BY: _____
REFERENCE NUMBER: FS\CC\FSSP1929

DATE: October 8, 2001
DATE: October 8, 2001

CHARLES THONE
DONALD H. ERICKSON
DANIEL D. KOUKOL
W.M. E. MORROW, JR.
SAM JENSEN
DANIEL B. KINNAMON
THOMAS J. GUILFOYLE
VIRGIL K. JOHNSON
CHARLES V. SEDERSTROM
CHARLES D. HUMBLE
MICHAEL C. WASHBURN
ALAN M. WOOD
WILLIAM F. AUSTIN
JOHN C. BROWN RIGG
THOMAS J. CULHANE
RICHARD J. GILLOON
SAMUEL E. CLARK
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OMAHA, NEBRASKA 68114-3761

October 5, 2001

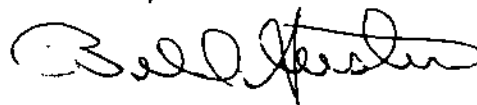
Joan Ross
City Clerk
555 South 10th Street
Room 103
Lincoln, NE 68508

Re: Special Permit No. 1929; Appeal of Red Star Auto Plaza
Our File No. 21414.42932

Dear Joan:

Enclosed for filing with your office is a Notice of Appeal by Red Star Auto Plaza from the Planning Commission's denial of Special Permit No. 1929. If you need anything further, please do not hesitate to contact me.

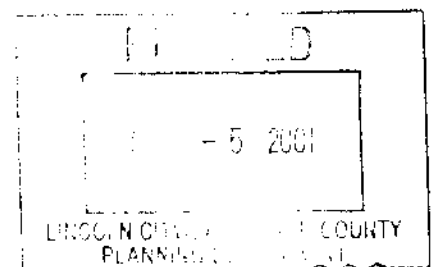
Sincerely,



William F. Austin
Attorney for Red Star Auto Plaza

c: Dana Roper, City Attorney
Kathleen Sellman, Planning Director
Vince Cornell, Red Star Auto Plaza, L.L.C

Enclosure



BEFORE THE LINCOLN LANCASTER COUNTY PLANNING COMMISSION

IN THE MATTER OF
SPECIAL PERMIT NO. 1929

)
)
)

NOTICE OF APPEAL

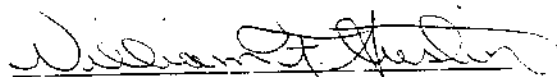
TO: THE CITY CLERK OF THE CITY OF LINCOLN, NEBRASKA

Red Star Auto Plaza, L.L.C. hereby gives notice, pursuant to Section 27.63.025 of the Lincoln Municipal Code, of its intention to appeal the denial of Special Permit 1929 by the Planning Commission to the City Council of the City of Lincoln.

Dated this 5th day of October, 2001.

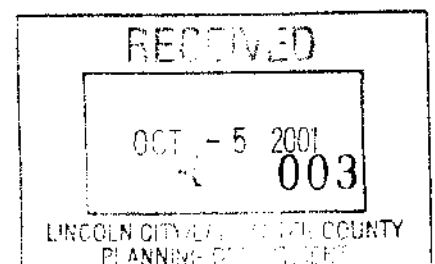
Red Star Auto Plaza, L.L.C. ,
Applicant

By:




William F. Austin #10140
ERICKSON & SEDERSTROM, P.C.
301 South 13th Street, Suite 400
Lincoln, NE 68508
(402) 476-1000 Phone
(402) 476-6167 Fax

RECEIVED
CITY OF LINCOLN
OCT 5 2001



**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Don Wesely
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : October 5, 2001

RE : **Special Permit No. 1929**
(Red Star Auto Plaza - 702 West "O" Street)
Resolution No. PC-00711

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, October 3, 2001:

Motion made by Taylor, seconded by Hunter, to **DENY Special Permit No. 1929**, requested by Red Star Auto Plaza, L.L.C., for authority to park and display vehicles for sale in the front yard on property located at 702 West "O" Street. Motion to **deny** carried 5-2 (Newman, Taylor, Steward, Carlson and Hunter voting 'yes'; Duvall and Schwinn voting 'no'; Krieser and Bills absent).

The Planning Commission's action is final action unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Please Note: On October 5, 2001, the applicant filed a letter of appeal with the City Clerk. The public hearing before City Council is scheduled for October 22, 2001.

CCNOTICE/jlw

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
William Austin, 301 So. 13th, Suite 400, 68508
Bill Hergott, West "A" Neighborhood, 1816 S.W. 21st St., 68522
William Vocasek, West "A" Neighborhood, 1903 Mulberry Ct., 68522
Richard Wiese, West "O" Street Area Business Association, 730 Pier 3, 68528
Peter Katt, 1045 Lincoln Mall, Suite 200, 68508

RESOLUTION NO. PC- 00711 DENIED

SPECIAL PERMIT NO. 1929

1 WHEREAS, Red Star Auto Plaza, L.L.C. has submitted an application
2 designated as Special Permit No. 1929 for authority to park and display vehicles for sale in the
3 front yard on property located at 702 West O Street, and legally described to wit:

4 Lot 1, T.O. Haas Addition, located in the South Half of Section 22,
5 Township 10 North, Range 6 East, Lincoln, Lancaster County,
6 Nebraska;

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a
8 public hearing on said application; and

9 WHEREAS, the community as a whole, the surrounding neighborhood, and the
10 real property adjacent to the area included within the site plan for this car lot will not be ad-
11 versely affected by granting such a permit; and

12 WHEREAS, said site plan together with the terms and conditions hereinafter set
13 forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and
14 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
15 general welfare.

16 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
17 Planning Commission of Lincoln, Nebraska:

18 That the application of Red Star Auto Plaza, L.L.C., hereinafter referred to as
19 "Permittee", to park and display vehicles for sale in the front yard on the property legally
20 described above be and the same is hereby granted under the provisions of Chapter 27.63 of
21 the Lincoln Municipal Code upon condition that said parking and displaying of vehicles for sale
22 be in strict compliance with said application, the site plan, and the following additional express
23 terms, conditions, and requirements:

1 1. If the use of the premises is changed from vehicle sales, this special
2 permit shall not be considered an adjustment or waiver of the standards for a parking lot nor
3 shall the area be considered a nonconforming parking lot.

4 2. The hood or trunk or both shall not be left open on the stored vehicles for
5 sale and resale in the front yard except when the vehicle is inspected by a customer.

6 3. Before storing vehicles for sale or resale in the front and side yards the
7 Permittee must submit a revised site plan to the Planning Department office for review and
8 approval showing the following revisions:

9 a. Standard parking lot barriers to prevent vehicles for sale from
10 extending into the street.

11 b. Parking stall and drive aisle dimensions with type of surfacing.
12 The parking areas do not need to be striped, however, they must
13 be shown for review of standards.

14 c. A landscape plan conforming to the design standards.

15 d. Add a note that the hood or trunk or both shall not be open except
16 when inspected by a customer or for servicing.

17 4. Before storing vehicles for sale or resale in the front yard, all
18 development and construction must conform to the approved plans.

19 5. All privately-owned improvements, including landscaping shall be
20 permanently maintained by the owner.

21 6. The site plan approved by this permit shall be the basis for all
22 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
23 elements, and similar matters.

24 7. The terms, conditions, and requirements of this resolution shall be
25 binding and obligatory upon the Permittee and the Permittee's successors and assigns. The

1 building official shall report violations to the City Council which may revoke the special permit or
2 take such other action as may be necessary to gain compliance.

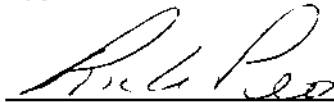
3 8. The Permittee shall sign and return the City's letter of acceptance to the
4 City Clerk within 30 days following approval of the special permit, provided, however, said 30-
5 day period may be extended up to six months by administrative amendment. The City Clerk
6 shall file a copy of the resolution approving the special permit and the letter of acceptance with
7 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8 The foregoing Resolution was approved by the Lincoln City-Lancaster County
9 Planning Commission on this ____ day of _____, 2001.

ATTEST:

DENIED by Planning Commission
10/03/01, 5-2 _____

Approved as to Form & Legality:



Assistant City Attorney

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1929

DATE: August 29, 2001

PROPOSAL: Park and display vehicles in the front yard.

WAIVER REQUEST: None

LAND AREA: 1.23 acres, more or less

CONCLUSION: This application does not meet the standard for required landscaping and landscape screen. Any area in a required front yard used for such storage of vehicles must conform to the parking lot design standards unless specifically adjusted or waived by City Council, Section 27.63.700. The permitting storage of vehicles for sale in the required front yard does not protect or enhance the character of the area or of the community as a whole.

<u>RECOMMENDATION:</u>

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1 T. O. Haas Addition, in the S1/2 of Section 22, T10N,R6E, Lincoln, Lancaster County.

LOCATION: 702 West "O" Street

APPLICANT: Red Star Auto Plaza, L.L.C.

OWNER: Red Star Auto Plaza, L.L.C.

CONTACT: William F. Austin

EXISTING ZONING: H-3 Highway Commercial District

EXISTING LAND USE: Auto Sales

SURROUNDING LAND USE AND ZONING:

North: Recycling center zoned I-1 across West "P" Street
South: Zoned I-1 south of West "O" Street. Directly south is vacant.
East: Commercial use zoned H-3
West: Restaurant zoned H-3

HISTORY:

Prior to 1979 the north half of the lot was zoned “K” Light Industrial and the south half was zoned H-2 Highway Commercial.

In 1979 zoning was changed to H-3 Highway Commercial District.

On October 20, 1997 City Council approved Special Permit #1705 located south of West “O” Street at Capitol Beach Blvd. to allow the storage of vehicles for sale in the front yard.

On April 10, 2000 City Council denied Special Permit #1818 located at 702 West “O” Street, the same site, to allow the storage of vehicles for sale in the front yard.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows this lot as commercial.

Page 65 of the Lincoln City-Lancaster County Comprehensive Plan identifies General Commercial Areas. “General Commercial Areas reflect those areas where commercial uses have grown in strip configuration along major thoroughfares.” West “O” Street is identified within the General Commercial Areas. Goals within the General Commercial Areas include “Improve the West “O” area.”

Strategies outlined on page 66 to meet the goal include the installation of landscaping.

UTILITIES: Public water, sanitary sewer and storm sewer are available to the site.

TRAFFIC ANALYSIS: The lot has access to both West “O” Street and West “P” Street.

PUBLIC SERVICE: The nearest fire station is located at 2nd and “N” Streets.

REGIONAL ISSUES: West “O” is a major entrance into Lincoln.

AESTHETIC CONSIDERATIONS: A landscape plan was not provided with this application. Design Standards require a landscape screen.

ANALYSIS:

1. The storage of vehicles for sale and resale in the front yard is allowed by special permit in the H-3 zoning district.
2. Any area in a required front yard used for storage of vehicles must conform to the parking lot design standards.
3. Parking lot design standards requires landscape screening for parking lots.

4. A landscape plan was not provided with this application.
5. Parking is permitted in the front yard in the H-3 district (27.67.030). However, vehicles do not consistently occupy parking spaces as would be the case with storage of vehicles for sale.
6. The entire site is paved with asphalt, including the front and side yards.
7. Special Permit #1818 to allow the storage of vehicles for sale in the front yard at 702 West "O" Street was denied by City Council on April 10, 2000. Permitting the storage of vehicles for sale and resale in the front yard does not protect or enhance the character of the area or the community as a whole.

However; should the Planning Commission after a public hearing choose to approve the special permit the following are suggested conditions:

CONDITIONS:

Site Specific:

1. This approval permits the storage of vehicles for sale and resale in the front yard of this lot provided:
 - 1.1 If the use of the premises is changed from vehicle sales, this special permit shall not be considered an adjustment or waiver of the standards for a parking lot nor shall the area be considered a nonconforming parking lot.
 - 1.2 The hood or trunk or both shall not be left open on the stored vehicles for sale and resale in the front yard except when the vehicle is inspected by a customer or for servicing.

General:

2. Before storing vehicles for sale or resale in the front yard:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 A revised site plan showing the following revisions:
 - 2.1.1.1 Standard parking lot barriers to prevent vehicles for sale from extending into the street.
 - 2.1.1.2 Parking stall and drive aisle dimensions with type of surfacing. The parking areas do not need to be striped, however they must be shown for review of standards.
 - 2.1.1.3 A landscape plan that conforms to the design standards.

- 2.1.1.4 Add a note that the hood or trunk or both shall not be open except when inspected by a customer or for servicing.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
- 3.1 Before storing vehicles for sale or resale in the front yard all development and construction is to comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.
 - 3.3. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4. This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5. The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Tom Cajka
Planner

SPECIAL PERMIT NO. 1929

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 19, 2001

Members present: Hunter, Carlson, Steward, Taylor, Duvall, Bills, Newman and Schwinn; Krieser absent.

Staff recommendation: Denial.

Tom Cajka of the Planning staff submitted a letter in opposition from the West "O" Street Business Association, and a informational handout listing seven different applications for similar special permits throughout Lincoln which have either been approved, denied or withdrawn.

Proponents

1. Bill Austin appeared on behalf of Red Star Auto Plaza and Vince Cornell, the owner. Red Star has made application for a special permit pursuant to § 27.63.700 of the Lincoln Municipal Code for authority to store vehicles for sale and resale in the required front yard in the H-3 zoning district. The establishment is located at 702 West "O" Street. Austin submitted a revised site plan which he believes resolves the technical issues, including the landscaping, surfacing and parking layout. Austin acknowledged that the staff has not had an opportunity to fully review the revised site plan; however, the applicant will make any adjustments that are required if there are any deviations to design standards on the revised site plan.

As far as whether Red Star is entitled to this special permit, Austin submitted that the area in question is zoned H-3 Highway Commercial. The preamble for that zoning district states: "This is a district for a redeveloping area intended to provide for low density commercial uses requiring high visibility and/or access from major highways." Austin pointed out that "parking" is permitted in the front yard of the H-3 district pursuant to § 27.63.030. If there are concerns about obstructions, the Commission should keep in mind that a 6' fence could be installed in a yard up to the property line. Austin does not believe there should be a concern about obstructions in this area because the obstructions can already occur. Austin also submitted that the type of storage of vehicles for sale being requested is better than what you would get from parking in the front yard. The applicant wants the area to be very attractive. The vehicles would be clean, low maintenance and properly positioned. The type of parking that could be allowed could be vehicles in some state of disrepair which could be placed in any sort of position.

Austin suggested that it would be disingenuous to say this type of use should not be permitted in H-3 at this location because it is a gateway to the City. He pointed out on the zoning map the red areas of H-3 zoning, which is almost by its nature the zoning found at all the gateways to the City. In 1997, the City Council indicated that this is an appropriate use in the H-3.

Austin referred to the letters in opposition, one from the neighbor immediately to the west and one from a representative of the West "O" Neighborhood Association. In response to the opposition, Austin submitted petitions in support from virtually everyone in the immediate vicinity. Austin also suggested that the Commission request whether or not the letter from the West "O" representative is from the neighborhood association with a vote, or whether it is expressing the personal views of the President.

Austin then referred to the staff report for the code provision in question which was considered by the Planning Commission and City Council in 1997. The staff report indicated as follows:

The City Law Department has issued an opinion that states that merely neighborhood opposition is not enough to deny a special permit. The Planning Commission has discretionary authority to deny a special permit but cannot do so arbitrarily. They must find that the application does not conform to the criteria in the Zoning Ordinance regarding the effect of the proposed use upon the surrounding neighborhood, the Comprehensive Plan, the community as a whole, and other matters relating to the public health, safety and general welfare. Since the Zoning Ordinance permits parking in the front yard, the question would be directed to any adjustments or waivers to the parking lot design standards and to the activity on the area.

Based upon that understanding and recognition and upon the fact that this applicant is not requesting any adjustments or waivers, Austin believes that Red Star is entitled to a favorable consideration. It is seeking no adjustments. Neighborhood opposition is not a basis for denial.

Austin also pointed out that there is a similar special permit that was granted to Lincoln Dodge at Capital Beach and West "O" Street. He also submitted photographs of the Lincoln Dodge operation showing that it clearly does not detract from the neighborhood, particularly in light of the fact that what was here before was clearly a detriment to the neighborhood. Red Star Auto has improved the property. It was basically a mud hole and used to be a car wash/truck wash with semi's parked on the property. Cornell has paved the lot and put an attractive building on it.

Austin believes approval of this special permit would be both fair and equitable given the fact that similar permits already exist in the near vicinity and the applicant is not asking for any waivers.

Hunter asked how much green space would be between the parking area and the street. Austin stated that there is significant green space that would remain, i.e. 18' from the property line to the sidewalk; then a sidewalk of 4'; and then another 6' to the curb.

Steward inquired whether the applicant agrees with the conditions of approval should the Planning Commission vote in favor. Austin stated that the applicant is in full agreement.

Carlson believes that substantially the same permit was applied for in April of 2000. What is different now? Austin's response was that "this is a clean permit". At the time of the previous request there was also a request for parking in the side yard with a change of zone. Secondly, Austin did not believe the landscaping was agreed upon. Cornell has installed a curb barrier adjacent to his west property line. Subsequently, Cornell has been parking 30' from the front yard. The adjacent neighbor has been parking in the front yard and obscures the Cornell property.

Opposition

1. Peter Katt appeared on behalf of the property owner immediately adjacent to the west, **Popeye's Chicken**. As noted in the staff report, Katt pointed out that this is an identical application that was brought before the Planning Commission and City Council about a year ago. After that permit was denied, 1) the building permit which Mr. Cornell received to develop this property would indicate that he was aware of the required setbacks when he made his investment and built the building; and 2) instead of complying with the requirements, vehicles continued to be parked in violation and, despite repeated requests by the City to come into compliance, that was not the case. Katt acknowledged that Cornell is entitled to make this application again; however, the applicant's counsel would have the Commission believe that we should write off the special permit requirements that exist. If you take the argument made by the applicant's counsel regarding the ability to park in the front yard, there is no reason for the special permit. Therefore, Katt believes that when the City Council created this provision for a special permit to allow the display of vehicles in the front yard, there had to be some places where it would be granted and some places where it would not.

Katt's client believes there is a significant difference between customer parking in the front yard and the continuous display of vehicles in the front yard. Customer parking in the front yard generally occurs only at peak periods of time and the primary impact on his client is the visibility of his property in this area, which is one of the purposes to be served by front yard setbacks. This is one of those circumstances where a special permit should not be granted and it is one that requires the Planning Commission to exercise its discretion and say no.

Katt did request a copy of the enforcement file from the Building & Safety Department and apparently it is somewhere between the City Attorney's office and the Building & Safety Department. Katt has not been able to review this file.

Steward inquired as to the land use and business function on the other side of Popeye's. Katt stated that directly to the west of Popeye's is a car wash and then the Dairy Queen. Steward believes there is an opportunity for front yard parking in that property as well. Katt agreed. There is nothing wrong with parking. It is an allowed use in front yard in the H-3. But customer parking is different than the continuous display of vehicles. His client has no objection to customer parking in the front yard and it is an allowed use.

2. Richard Wiese, Chair of **West "O" Area Business Association**, testified in opposition. The association meets every third Tuesday of the month. These meetings are advertised in the newspaper. No one appeared at last Tuesday's meeting to discuss this permit. Wiese testified that Red Star Auto parked as close to the street as possible for a long time. The Codes Department had been asking them to set their automobiles back since the denial of the special permit, and they have done a fairly good job of that and it is attractive. But, it is only proper that the H-3 zoning be kept to make the street unified for the entrance coming into the City. The West "O" Area Business Association has worked hard to update the area. Red Star Auto has had cars with flat tires and trunk lids open on "P" Street right up to the street curb. We need to maintain the 30' front yard setback on "O" Street. If not, it will hinder the appearance and entrances to other businesses. We welcome automobile dealers but we want to see an orderly fashioned growth of West "O" Street. None of the automobile dealers will allow trees to be planted in front of their businesses. They do not have planted and watered grass in their front yards either. There will be several other car dealers asking for this same special permit if this one is approved.

Response by the Applicant

Austin addressed the written citation submitted by Katt, pointing out that the citation was dismissed after the owner discussed the issue with the city prosecutor. The owner contended that he had cars in the front yard that were not for sale. He has since removed the cars from the front yard. He is and was and continues to be entitled to park cars in the front yard. Customer vehicles, leased vehicles and other titled vehicles could be parked there without a special permit. The intrusion into the front yards already exists with the parking that is allowed in the front yards. Austin then displayed the 1997 aerial photograph which shows customer vehicles located in the front yard. To say that well-spaced vehicles will detract from this area does not seem to be the case. The city just wanted to be sure there were some limits on it by the special permit.

Austin went on to suggest that this is such a small additional intrusion, if an intrusion at all. It is not detracting from what is already out there and what was intended in the H-3 to begin with. The record consists of a list of neighbors in favor of this special permit—28 owners/businesses on West “O” and West “P” Streets.

As far as the nature of the vehicles on the Red Star lot, Austin submitted that it is a well-run car lot with attractive vehicles.

Lee Vincent Cornell, 9201 So. 53rd, testified as the owner in support. He has been a business owner on West O since 1985. He has made numerous changes to the property. He is doing his best to have an attractive lot, but parking cars in the front yard is very important to his business.

Staff questions

Steward inquired whether the revised site plan submitted today changes the staff recommendation of denial. Tom Cajka of Planning staff stated that he has not had an opportunity to review the revised site plan closely and would not want to comment one way or the other at this time.

Schwinn indicated that he would like to defer taking action because he wants to go back out and take a look at the area.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 19, 2001

Duvall moved to defer action until October 3, 2001, seconded by Hunter and carried 8-0: Hunter, Carlson, Steward, Taylor, Duvall, Bills, Newman and Schwinn voting ‘yes’; Krieser absent.

This application will be scheduled for administrative action on October 3, 2001. Public hearing has been closed. There will be no further public testimony other than questions by the Commission to staff.

Members present: Newman, Duvall, Taylor, Steward, Carlson, Hunter and Schwinn; Bills and Krieser absent.

Tom Cajka of the Planning Department presented a revised landscape plan submitted by the applicant. This revised landscape plan does not change the staff recommendation to deny this special permit.

Taylor moved to deny, seconded by Hunter.

Hunter commented that she drove out on West "O" and does not quite understand why there was a petition signed by property owners out there to approve this when there is another car dealership 200' further west that has the cars parked behind the front yard. She believes that approval of this special permit will encourage requests from other car dealerships on West "O". It would just be the start of creating more and more of this.

Hunter inquired about the opened hoods, etc. Ray Hill of the Planning Department advised that the prohibition of opened hoods is a condition that the city has routinely placed on every application where parked has been granted in the front yard for the storage of vehicles for sale. This is a condition of the special permit. Hill also cautioned that the other dealerships may be in a different zoning district that does not have the front yard requirement.

Schwinn commented that he was on the Commission when they voted on Lincoln Dodge some four years ago and he believes Lincoln Dodge has done an excellent job. He has looked at Red Star and believes they have done a good job of improving their site. He is sensitive to the fact that we will see more if we do this one, but he is not so sure that having used cars parked neatly against the street isn't better streetscape than transient cards parked haphazardly.

Motion to deny carried 5-2: Newman, Taylor, Steward, Carlson and Hunter voting 'yes'; Duvall and Schwinn voting 'no'; Krieser and Bills absent.

Note: This is final action unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action of the Planning Commission.



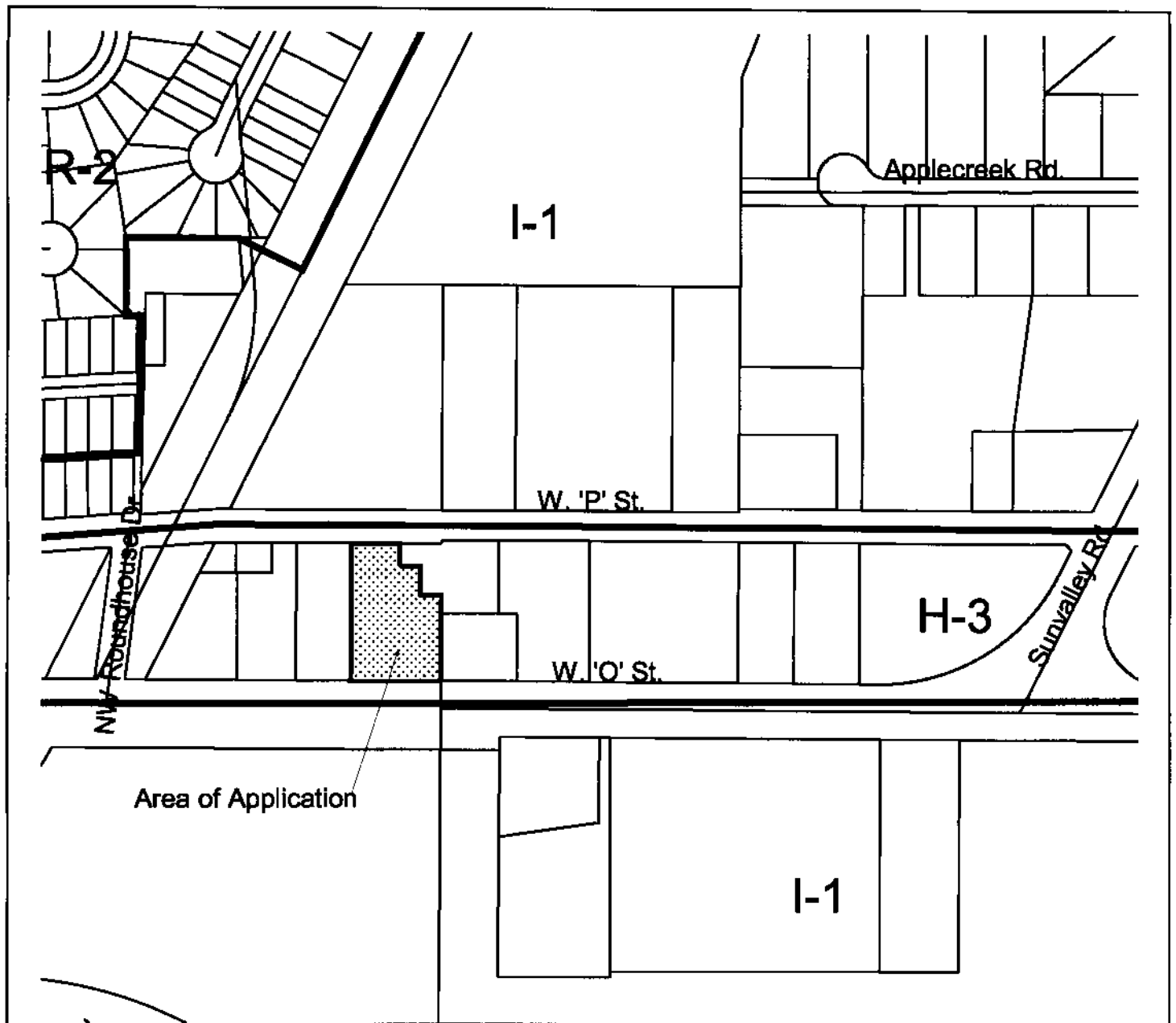
Special Permit #1929
702 West 'O' St.



Date: 9-11-01

Photograph Date: 1997

017

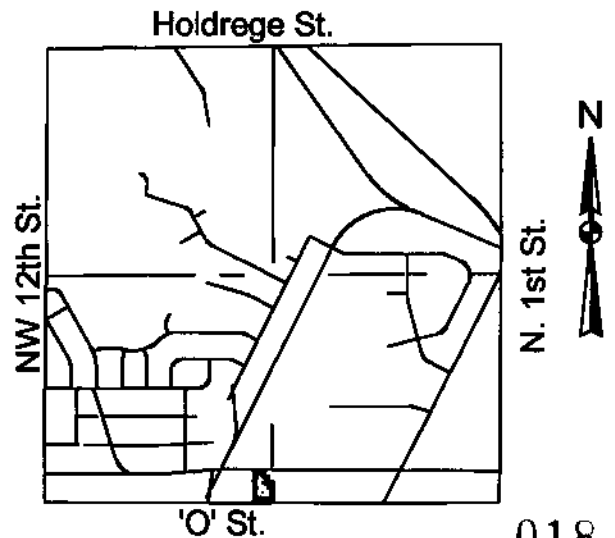
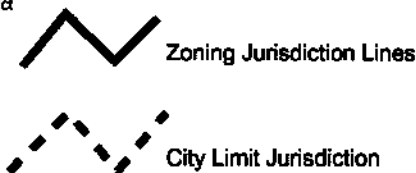


Special Permit #1929 702 West 'O' St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

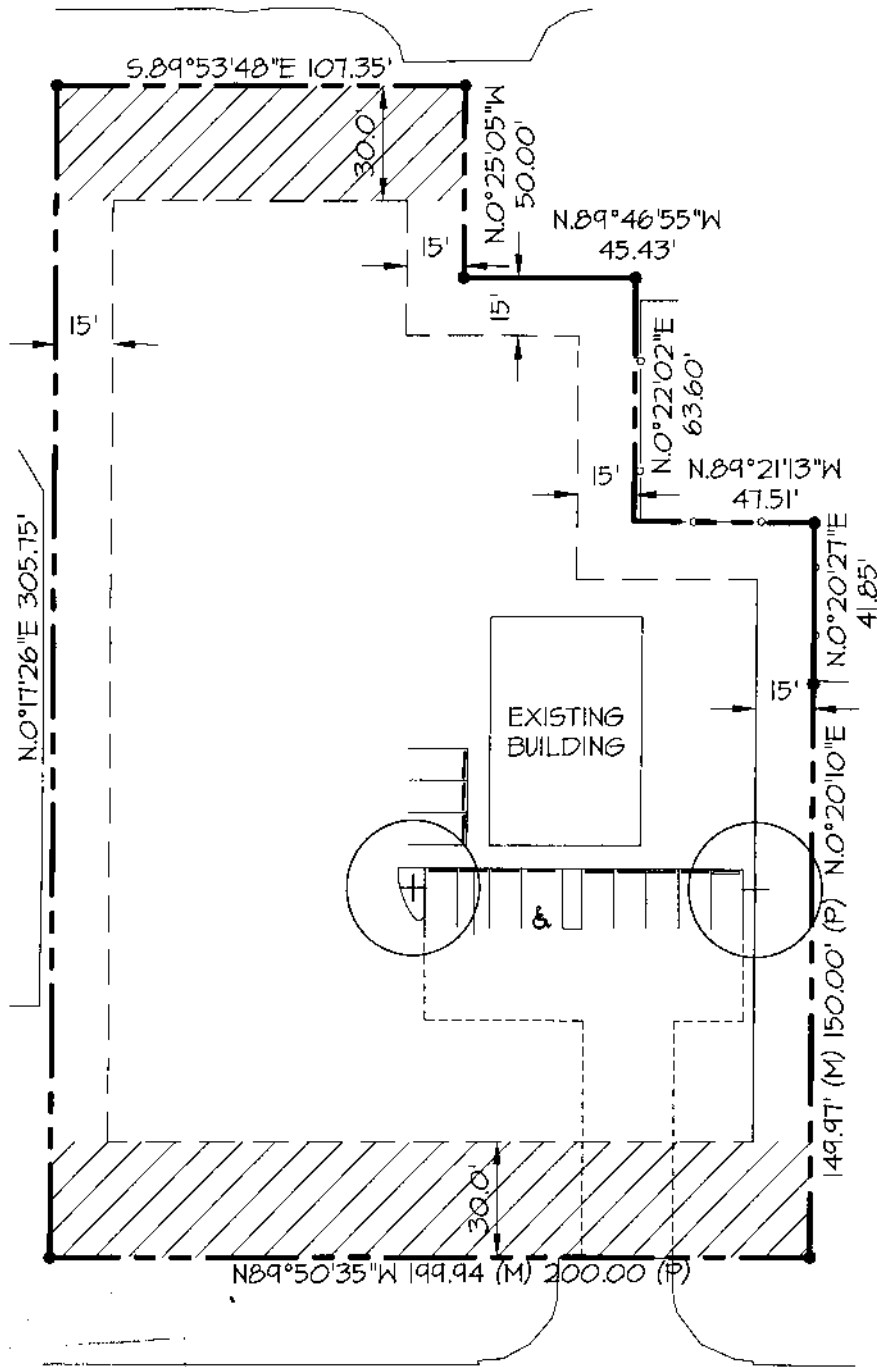
One Square Mile
Sec. 22 T10N R6E




018

Date: 9-11-01
Lincoln City - Lancaster County Planning Dept.

WEST "P" STREET



LEGEND:

 LIMIT OF SPECIAL
USE PERMIT

LEGAL DESCRIPTION:

LOT 1, T.O. HAAS ADDITION
S. 1/2 SECTION 22, T 10 N, R 6 E
LINCOLN, LANCASTER,
NEBRASKA

ZONING: H-3
FRONT YARD: 30'
SIDE YARD: 15'
REAR YARD: 30'

AUG 23

WEST "O" STREET



SITE PLAN

SCALE: 1" = 50'

1 of 1

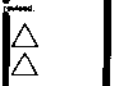
DESIGN ASSOCIATES OF LINCOLN, INC.



1609 "N" STREET
LINCOLN, NEBRASKA 68508
PHONE:(402) 474-3000
FAX:(402) 474-4045
desassoc@inebraska.com

RED STAR AUTO
SPECIAL USE PERMIT
LINCOLN, NEBRASKA

23 AUG 01



M e m o r a n d u m

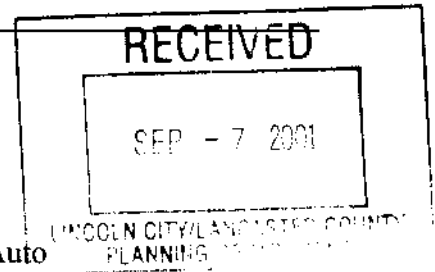
To: Tom Cajka, Planning Department

From: Charles W. Baker, Public Works and Utilities *Buff*

Subject: T.O. Haas Subdivision Special Permit # 1929, Red Star Auto

Date: September 5, 2001

cc: Roger Figard
Nicole Fleck-Tooze



The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for parking in the front yard set-back at 702 West "O" Street for Special Permit # 1929.

Public Works requests that a parking lot layout be provided showing parking stall and drive aisle dimensions with type of surfacing and parking lot barriers that meet City of Lincoln Paring Lot Design Standards. The parking areas do not need to be striped. However, they must be shown for review of standards and screening must be provided for Planning Department's review.



INTER-DEPARTMENT COMMUNICATION

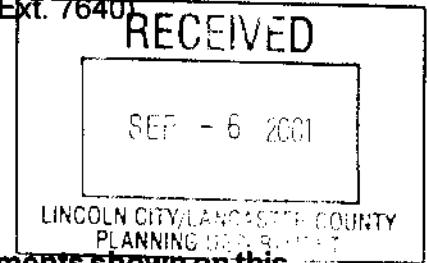
DATE September 5, 2001

TO Tom Cajka, City Planning

FROM Sharon Theobald

(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #1N-7W



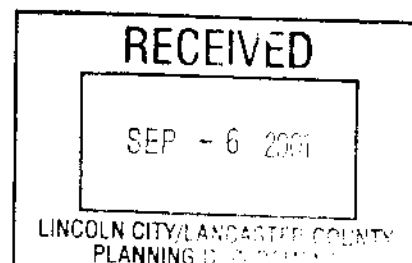
Attached is the Special Permit Request for West "P" St.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements.

ST/nh
Attachment
c:Terry Wiebke
Easement File

INTER-DEPARTMENT COMMUNICATION



TO: Tom Cajka
DEPARTMENT: Planning Department

DATE: September 4, 2001 *RLS*
FROM: Richard Slama

ATTENTION:

DEPARTMENT: Lincoln-Lancaster County
Health Department

CARBONS TO: Bruce Dart
Scott Holmes
File

SUBJECT: Application Review--
Special Permit #1929
702 West "O" Street

The proposed Special Permit No. 1929 has been reviewed. There are no Public Health issues with the storage and display of vehicles in the front yard.



Rodger P Harris

09/06/2001 02:58 PM

To: Thomas J Cajka/Notes@Notes

cc: Chuck A Zimmerman/Notes@Notes

Subject: SP 1929, 702 W. O Street, storage of vehicles for sale in the front yard setback.

We have reviewed the above application and have the following comments to offer:

1. Show the locations, by dimensions, of proposed vehicle storage locations within the front yard setback, to show conformance with the parking lot design standards as required per Sec. 27.63.700 LMC.
2. Show on the site plan, the surfacing type of both front yard setback areas, in compliance with the parking lot design standards.

Special Permits for Municipal Code Chapter 27.63.700

SP # 1929

N.W. 7th & West O Street

Scheduled for Planning Commission hearing on Sept. 19, 2001

Staff recommendation is for denial.

SP# 1917

Husker Auto, N. 27th & I80/Wildcat Drive

Approved by Planning Commission on June 27, 2001 (Final Action)

Resolution No. PC-00679 (Copy Attached)

SP# 1908

Anderson Ford, N. 27th & I80/Wildcat Drive

Conditional Approval by Planning Commission on May 2, 2001

Approved by City Council on June 4, 2001

Resolution No. A-80877 (Copy Attached)

SP# 1894

Coddington Ave. & West O Street

Staff recommendation was for denial.

Withdrawn by applicant before Planning Commission hearing.

SP# 1841

Anderson Ford, Cornhusker Hwy & N. 29th Street

Conditional Approval by Planning Commission on June 14, 2000

Approved by City Council on September 11, 2000

Resolution No. A-80405 (Copy Attached)

SP# 1818

702 West O Street

Denied by Planning Commission on March 8, 2000

Denied by City Council on April 10, 2000

Resolution No. A-38-4334 (Copy Attached)

SP# 1705

Lincoln Dodge, West O Street & Capitol Beach Blvd.

Conditional Approval By Planning Commission on September 24, 1997

Approved By City Council on October 20, 1997

Resolution No. A-78448 (Copy Attached)

SUBMITTED AT PUBLIC HEARING BEFORE
PLANNING COMMISSION; 9/19/01
BY THE ATTORNEY FOR THE APPLICANT

ITEM NO. 5.1: SPECIAL PERMIT NO. 1929
(p.01 - Adm. Action - 10/03/01)



Lancaster County

County Assessor
Parcel Photo

InterLine

Parcel 10-28-200-020-000

Comments

Current: 1 Available: 1B



Property Information Property Mini-Sheet



Lancaster County

County Assessor
Property Information Mini-Sheet

InterLinc

Parcel ID:	10-28-200-020-000	Photo	Map
Owner Name:	ANDERSON, TALTON K & MARY JOY		
Owner Address:	677 N 56 ST OMAHA NE 68132		
Situs Address:	1235 W O ST LINCOLN		
Taxing District:	0001 LINCOLN		
Property Class:	C COMMERCIAL		
Legal Description:			
IRREGULAR TRACT LOT 41 NE 28-10-6 AND HOBELMANS SUB S115' LOTS 1 THRU 6 & VAC ALLEY ADJ			
	Total	Land	Building
Assessed:	700,448	251,218	288,216
Neighborhood:	CNW10	Land Use:	CCAG COM.ZON.COM.ART.GOOD
Acres:	3.925	Zoning:	H3 HIGHWAY COMMERCIAL
Lot Type:	SF	Width:	300
		Depth:	127
Sale Data:			
Instrument #	Sale Date		Sale Price
96-001418	01/05/1996		963,000
Miscellaneous Improvements:			
Type	Description	Unit	Number of Units
PVA	ASPHALT PAVING	SF	101,000.00
PVA	ASPHALT PAVING	SF	34,770.00
Residential Building Characteristics			

No data available

Commercial Building Characteristics				
Building #: 01 of 01		Structure Type: 331 AUTO DEALER/F-SERVIC		
Quality Grade: C AVERAGE		Year Built: 1986		
Exterior Wall Type		PRCT		
1 07 METAL, LIGHT		69		
2 01 BRICK		31		
3		0		
4		0		
Commercial BLDG Sections:				
Description	Stories	Wall HGT	GFA	Perimeter
COM 1ST FLOOR	1	14.00	5,112	286
COM 1ST FLOOR	1	16.00	16,227	536

026

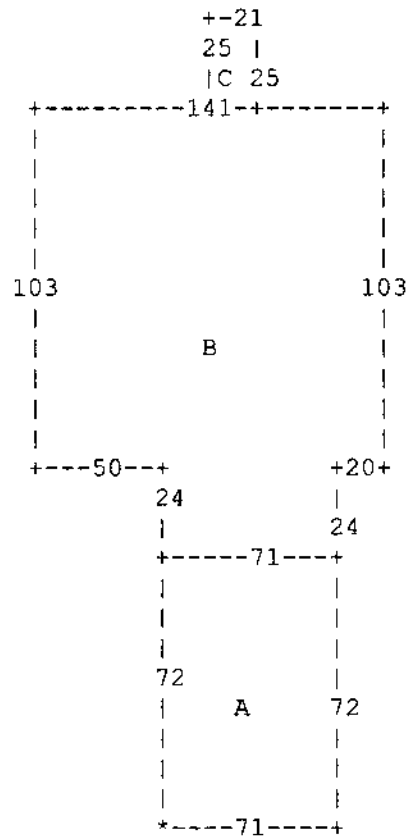
COM 1ST FLOOR	1	8.00	525	92
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Commercial Refinements:

Description	Unit	Measr-1	Measr-2	Measr-3
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Building Sketch: 01

B U I L D I N G S K E T C H



A	COM 1ST FLOOR	Square Feet:	5112
B	COM 1ST FLOOR	Square Feet:	16227
C	COM 1ST FLOOR	Square Feet:	525

Treasurer's Information

027